



# Franklin County Communique to the Board of Adjustment

## REQUEST FOR VARIANCE 17-VAR-01 20 Holden Ct

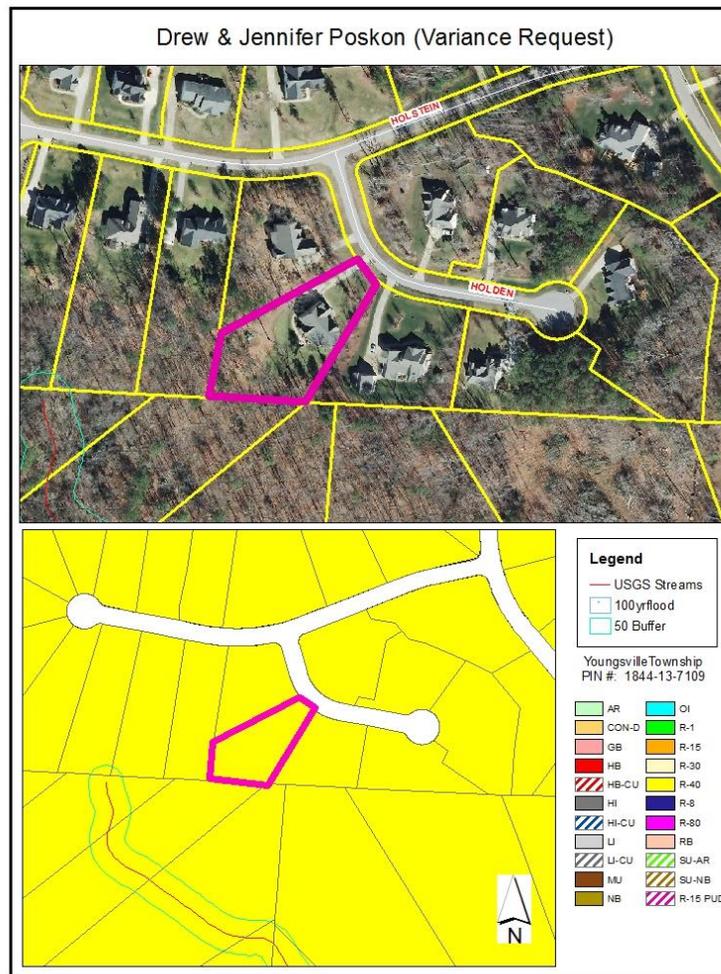
### PETITIONER(S):

Name of Petitioner: Drew & Jennifer Poskon  
Address: 20 Holden Ct.  
CityStateZip: Youngsville, NC 27596

### OWNER(S):

Name of Owner: Same  
Address:  
CityStateZip:

### LOCATION:



### ATTACHMENTS:

Variance of Application  
Site Plan  
Septic Permit

**PARCEL INFORMATION**

OWNER	PARCEL #	ZONING	AREA
Drew & Jennifer Poskon	1844-13-7109	R-40	.92
<b>TOTAL</b>			<b>0.92</b>

**ADJACENT PROPERTY SITE DATA**

	ZONING	LAND USE
<b>Subject Property</b>	R-40	Residential-Single Family
<b>North</b>	R-40	Residential-Single Family
<b>South</b>	R-40	Residential-Single Family
<b>East</b>	R-40	Residential-Single Family
<b>West</b>	R-40	Residential-Single Family

**VARIANCE REQUEST**

**Variance 17-VAR-01 requested by Drew & Jennifer Poskon to allow for a Variance from the Unified Development Ordinance Article 8, Table of Area, Yard and Height Requirements, to allow for a reduction of the side setback requirement from 20 feet to 15.3 for the property located at 20 Holden Ct. Franklin County PIN 1844-13-7109.**

**UDO Requirements:**

**ARTICLE 8. TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS** (See Notes 1 through 8)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD REGULATIONS <sup>1</sup>		
	Area in Sq.Ft.	Sq.Ft. per Dwelling Unit	Frontage In Feet	Front Yard Setback in Feet	Side Yard Width in Feet	Rear Yard Depth in Feet
R-40	40,000		125	50	20	50

**BACKGROUND INFORMATION**

The applicant is petitioning the board for a variance from the side setback requirements. The existing single-family structure is encroaching the side setback by 4.9 feet. According to the UDO, the setbacks for Residential-40 (R-40) are 50' Front, 20' Side, and 50' Rear. Within the petition, the applicants stated they were unaware of the setback encroachment until they placed their house on the market to sell. The applicants have submitted the approved septic layout and repair area for their house as well as a map showing the septic easement for Lot 25 (15 Holden Ct). It appears that the required location of the septic system and repair field for this lot combined with the 15' septic easement and drain field for lot 25 (15 Holden Ct.) located on this property limited the building envelope. The applicants also stated that an attempt was made to work out a trade of property with the adjoining property owner but they respectfully declined. Without a variance the owners would be unable to sell their property.

**BOARD OF ADJUSTMENT FINDINGS**

NOTE: Board of Adjustment Members should use the following area to make notes on evidence presented related to each of the required Findings as it is presented during the public hearing.

**Section 24-2, (B)** A variance may be granted by the board of adjustment if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use be made of the property.

FINDING \_\_\_ Yes \_\_\_ No

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- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

FINDING \_\_\_ Yes \_\_\_ No

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- (2) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that the circumstances exist that may justify granting or a variance shall not be regarded as self-created hardship

FINDING \_\_\_ Yes \_\_\_ No

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- (4) The requested variance is consistent with the spirit, purposes, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

FINDING \_\_\_ Yes \_\_\_ No

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***In granting any variance, the Board of Adjustment may impose reasonable conditions concerning the use or development of the subject property to:***

- a. insure that the criteria for the granting of such approval will be complied with; and***
- b. reduce or minimize any potentially injurious effect of the variance of development standards on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community.***

## **BOARD OF ADJUSTMENT MOTION**

***Please note that 4/5 vote is required for approval of all motions.***

**Suggested Motion #1:**

**I move to affirm that the Findings of Fact located within Section 24-2, (B) of the UDO, have/have not been satisfied for the variance(s) requested for the property located at 20 Holden Ct., Franklin County PIN 1844-13-7109.**

**Suggested Motion #2:**

**Based upon the Board's Findings of Fact, I move to approve/deny Variance requested by Drew & Jennifer Poskon to allow for a Variance from the Unified Development Ordinance, Article 8, Table of Area, Yard and Height Requirements, to allow for a reduction of the side setback requirement from 20 feet to 15.3 for the property located at 20 Holden Ct. Franklin County PIN 1844-13-7109.**